

TITLE 18. PLANNING

Chapter 18.01. Planning.

18.01.010. Planning Commission Created. Composition. Appointment of Members. Expenses.

There is hereby created a planning commission within and for the City, to be known as *the* Brigham City Planning Commission. The commission shall consist of ~~seven (7) nine~~ members, ~~eight members and three (3) alternate members~~ to be appointed by the Mayor, with the consent of the Council, from among residents of the City. Members shall be selected without respect to political affiliations and shall serve without compensation, except for reasonable expenses as determined by the Mayor with the consent of the Council. The Mayor shall also appoint a City Councilmember (~~ninth member~~) to ~~serve as a non-voting member of the Planning Commission. The appointed Councilmember shall~~ serve as a liaison between the Planning Commission and City Council.^{1 2}

18.01.020. Terms of Office of Members of Planning Commission. Vacancies. Removal of Members.

The terms of office of the original appointive members shall be two and four years; four shall be appointed for two years, and four shall be appointed for four years. Thereafter the terms of office for each appointive member shall be four years. Vacancies occurring otherwise than through the expiration of terms shall be filled by appointment by the Mayor, with the consent of the City Council. Members may be removed after public hearing by a majority vote of the City Council for causes established within the rules of the Planning Commission or by a recommendation of the Mayor.¹

18.01.030. Chairman of Planning Commission. Rules. Record of Proceedings.

The Planning Commission shall elect annually, a chairperson, during the first regularly held meeting in each new calendar year. The chairperson will be elected from among the members of the Planning Commission by a majority of the total membership. The Mayor shall appoint a vice-chairperson who will be named at the following regularly scheduled Planning Commission meeting. A chairperson shall serve for not more than two consecutive terms and shall only vote in the event of a tie vote. In the event of a vacancy of the Chairperson's position, prior to the expiration of the chairperson's term or any prior vacancy, a new chairperson shall be elected. Whenever a previously appointed vice chairperson position becomes vacant, the Mayor shall appoint a new vice chairperson. The Planning Commission shall establish and adopt bylaws or rules of procedure governing the conduct of meetings and operation of the Planning Commission. Upon adoption of these rules, they shall be submitted to the City Council for final approval and adoption by resolution. The Planning Commission, upon its own initiative, may amend the bylaws or rules of procedure, and thereafter, such amendments shall be submitted to the City Council for final approval and adoption by resolution. It shall also keep a public record of its proceedings.¹

18.01.040. Adoption of General Plan. Contents.

A. In order to accomplish the purposes set forth in this chapter, the Planning Commission shall prepare and City Council adopt a comprehensive, long-range General Plan for:

1. present and future needs of the City; and
2. growth and development of the land within the City or any of the City.

B. The plan may provide for:

1. health, general welfare, safety, energy conservation, transportation, prosperity, civil activities, aesthetics, and recreational, educational and cultural opportunities;
2. the reduction of the waste of physical, financial or human resources that result from either excessive congestion or excessive scattering of population;
3. the efficient and economical use, conservation and production of the supply of:
 - a. food and water; and
 - b. drainage, sanitary and other facilities and resources;
4. the protection of urban development;
5. the protection and promotion of air quality;
6. historic preservation; and
7. an official map, pursuant to State Code, Title 72, Chapter 5, Part 4, Transportation Corridor

Preservation.

C. The City may determine the comprehensiveness, extent and format of the general plan.

¹ Ordinance No. 04-01, dated 1/8/04.

² Ordinance No. 05-27, dated 12/15/05

18.01.050. Plan Preparation.

A. The Planning Commission shall make and recommend to the City Council a proposed General Plan for the area within the City.

1. The Plan may include areas outside the boundaries of the City if, in the Commission's judgment, they are related to the planning of the City's territory.

2. Except as otherwise provided by law, when the Plan of a City involves territory outside the boundaries of the City, the City may not take action affecting that territory without the concurrence of the County or other municipalities affected.

B. The General Plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Planning Commission's recommendations for the development of the territory covered by the Plan, and may include, among other things:

1. a land use element that:

a. designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

b. may include a statement of the standards of population density and building intensity recommended for the various land use categories covered by the Plan;

2. a transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that are appropriate, all correlated with the land use element of the Plan;

3. an environmental element that addresses:

a. the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and

b. the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

4. a public services and facilities element showing General Plans for sewage, waste disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

5. a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

a. historic preservation; and

b. the elimination of blight and for redevelopment, including housing sites, business and industrial sites, and public building sites;

6. an economic element composed of appropriate studies and an economic development plan that may include review of City revenue and expenditures, revenue sources, identification of base and residuary industry, primary and secondary market areas, employment, and retail sales activity;

7. recommendations for implementing the Plan, including the use of zoning ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions; and

8. any other elements the City considers appropriate.

18.01.060. General Plan Adoption and Amendments

A. After completing a proposed General Plan for all or part of the area within the City, the Planning Commission shall schedule and hold a public hearing on the proposed plan.

1. The Planning Commission shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing.

2. After the public hearing, the Planning Commission may make changes to the proposed General Plan.

B. The Planning Commission shall then forward the proposed General Plan to the City Council.

C. The City Council shall hold a public hearing on the proposed General Plan recommended to it by the Planning Commission.

1. The City Council body shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing.

D. After the public hearing, the City Council may make any modifications to the proposed General Plan that it considers appropriate.

E. The City Council may:

1. adopt the proposed General Plan without amendment;

2. amend the proposed General Plan and adopt or reject it as amended; or

3. reject the proposed General Plan.

- F. The General Plan is an advisory guide for land use decisions.
 - 1. The City Council body may adopt an ordinance mandating compliance with the General Plan.
- G. The City Council may amend the General Plan by following the procedures required by this section.³

18.01.070. Reports and Recommendations by Planning Commission. Powers Generally.

The Planning Commission may make reports and recommendations relating to the general plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. In general, the Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

18.01.080. Zoning.

The Planning Commission, through its own initiative or upon recommendation of staff, may, or by order of the Council shall, make recommendations for changes in the zone map or text of the Zoning Ordinance and shall have all powers granted by law or by this Code in the preparation of zoning maps and the recommendations for zoning in the City.

After receiving the recommendations of the Planning Commission, the Council may amend the zoning ordinance or map. No substantial change shall be made in any amendment recommended by the Planning Commission unless the same shall be resubmitted to the Planning Commission, which shall return the amendment to the Council within thirty days.

18.01.090. Sale of Land to be Referred to Planning Commission.⁴

No City-owned, improved or unimproved real property shall be sold until the Council shall have referred the proposition to sell such land to the Planning Commission for its review and recommendations, which shall be returned to the Council within thirty (30) days. Nothing contained herein shall preclude Redevelopment Agencies created by Brigham City Corporation from the sale of land as allowed by Utah Code.

18.01.100. Conformity to Master Plan Required. Submission of Matters to Planning Commission for Approval.

Whenever the Council shall have adopted the master plan, or any part thereof, thenceforth no street, park or other public way, ground, place or space, no public building or structure and no public utility, whether publicly or privately owned, shall be constructed or authorized until and unless the location and extent thereof shall conform to such plan or shall have been submitted to and approved by the Planning Commission; provided that in the case of disapproval, the Planning Commission shall communicate its reasons to the Council, school board or other board or agency chiefly concerned and the Council or other designated agency, by a vote of not less than a majority of its entire membership, shall have the power to overrule such disapproval. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for sale or lease of any street or public way, property or structure shall be subject to similar submission and approval and the failure to approve may be similarly overruled. The failure of the Planning Commission to act within thirty days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting body.

18.01.110. Subdivisions.

It shall be the duty of the Planning Commission to review and approve or disapprove all subdivisions of land. No plat of a subdivision of land lying within the City shall be filed or recorded in the County recorder's office until it shall have been submitted to and approved by the Planning Commission and Council and such approval entered in writing on the plat by the secretary of the Planning Commission and clerk of the Council, or other designated members or employees. The filing or recording of a plat of a subdivision without such approval shall be void. Violation of this section is a class B misdemeanor.

³ Chapters 18.01.040.060 amended by Ordinance 04-01, 1/8/04.

⁴ Ordinance No. 05-01, dated 2/3/05.